

HOUSE BILL 1423

E4, L1

2lr3284
CF 2lr3405

By: **Delegates Conway, Beidle, Bohanan, Cane, Clagett, Costa, DeBoy, Guzzone, Jacobs, K. Kelly, Love, Malone, Morhaim, Otto, Proctor, Rudolph, Sophocleus, and Wood**

Introduced and read first time: March 1, 2012

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Local Government – Fire, Rescue, and Ambulance Funds – Distribution of**
3 **Money to Volunteer Companies**

4 FOR the purpose of requiring that each county distribute a certain minimum amount
5 of money that the county receives from the Senator William H. Amoss Fire,
6 Rescue, and Ambulance Fund to volunteer fire, rescue, and ambulance
7 companies; requiring the Director of the Maryland Emergency Management
8 Agency to submit an annual report to the General Assembly on the amount of
9 money distributed by each county to volunteer companies; providing for the
10 application of this Act; and generally relating to the distribution of money from
11 the Senator William H. Amoss Fire, Rescue, and Ambulance Fund.

12 BY repealing and reenacting, without amendments,
13 Article – Public Safety
14 Section 8–102(a), (b), (d), and (f)
15 Annotated Code of Maryland
16 (2011 Replacement Volume)

17 BY repealing and reenacting, with amendments,
18 Article – Public Safety
19 Section 8–103 and 8–104
20 Annotated Code of Maryland
21 (2011 Replacement Volume)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article – Public Safety**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 8–102.

2 (a) There is a Senator William H. Amoss Fire, Rescue, and Ambulance Fund.

3 (b) The purposes of the Fund are to promote:

4 (1) the delivery of effective and high quality fire protection, rescue,
5 and ambulance services in the State;

6 (2) increased financial support for fire, rescue, and ambulance
7 companies by counties; and

8 (3) the continued financial viability of volunteer fire, rescue, and
9 ambulance companies given the greatly increased costs of equipment.

10 (d) The Fund consists of:

11 (1) money appropriated in the State budget to the Fund; and

12 (2) revenue distributed to the Fund under § 16–609 of the Business
13 Regulation Article.

14 (f) (1) State money provided under this section may only be used to:

15 (i) acquire or rehabilitate fire or rescue equipment, including
16 ambulances;

17 (ii) acquire or rehabilitate capital equipment used in connection
18 with fire or rescue equipment; and

19 (iii) rehabilitate facilities used primarily to house fire fighting
20 equipment, ambulances, and rescue vehicles.

21 (2) State money provided under this section may not be used:

22 (i) for administrative costs;

23 (ii) for compensation or fringe benefits to employees or members
24 of county governments, or fire, rescue, or ambulance companies;

25 (iii) for travel or meal expenses;

26 (iv) for fuel, utility, or routine maintenance costs of facilities or
27 equipment;

28 (v) to acquire new or replacement fire hydrants, water mains, or
29 emergency alarm systems not installed at a fire, rescue, or ambulance facility;

- 1 (vi) for insurance;
- 2 (vii) for fund-raising activities;
- 3 (viii) to refinance debt or another obligation incurred before July
4 1, 1985;
- 5 (ix) to replace or repair eligible items to the extent that
6 insurance proceeds are available;
- 7 (x) for costs associated with the “9-1-1” emergency telephone
8 system; or
- 9 (xi) for land or interests in land.
- 10 8-103.

11 (a) Subject to subsection [(b)] (C) of this section, each county shall receive an
12 initial allocation of money based on a percentage to be determined in the following
13 manner:

14 (1) the Director of Assessments and Taxation shall certify to the
15 Director each county’s total percentage of land use property tax accounts, including
16 vacant unimproved properties, relative to the statewide total of all land use property
17 tax accounts for the first completed fiscal year immediately preceding the fiscal year
18 for which money is to be allocated;

19 (2) except as provided in item (3) of this subsection, the percentage
20 determined in item (1) of this subsection shall then be applied for each county to any
21 amount included in the State budget for the purposes of this subtitle; and

22 (3) each county shall receive an allocation of at least 2% of the total
23 Fund as appropriated in the State budget, in addition to the amount that is
24 distributed to fire, rescue, and ambulance companies, departments, or stations located
25 in qualified municipal corporations in accordance with subsection [(b)] (C) of this
26 section.

27 **(B) (1) EACH COUNTY SHALL DISTRIBUTE A MINIMUM AMOUNT OF**
28 **MONEY THAT THE COUNTY RECEIVES FROM THE FUND TO VOLUNTEER FIRE,**
29 **RESCUE, AND AMBULANCE COMPANIES.**

30 **(2) THE AMOUNT OF MONEY DISTRIBUTED BY EACH COUNTY**
31 **UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE EQUAL TO THE TOTAL**
32 **AMOUNT OF MONEY RECEIVED FROM THE FUND DISTRIBUTED BY EACH COUNTY**
33 **TO VOLUNTEER FIRE, RESCUE, AND AMBULANCE COMPANIES IN FISCAL YEAR**

1 **2012 OR AT LEAST 51% OF THE ALLOCATION RECEIVED BY EACH COUNTY**
 2 **UNDER SUBSECTION (A) OF THIS SECTION, WHICHEVER IS GREATER.**

3 **(3) SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE,**
 4 **THE DIRECTOR SHALL REPORT BY DECEMBER 31 OF EACH YEAR TO THE**
 5 **GENERAL ASSEMBLY ON THE AMOUNT OF MONEY DISTRIBUTED BY EACH**
 6 **COUNTY UNDER PARAGRAPH (2) OF THIS SUBSECTION TO VOLUNTEER FIRE,**
 7 **RESCUE, AND AMBULANCE COMPANIES.**

8 **(4) THIS SUBSECTION DOES NOT APPLY TO:**

9 **(I) BALTIMORE CITY; OR**

10 **(II) DISTRIBUTIONS MADE TO FIRE, RESCUE, AND**
 11 **AMBULANCE COMPANIES, DEPARTMENTS, OR STATIONS LOCATED IN QUALIFIED**
 12 **MUNICIPAL CORPORATIONS IN ACCORDANCE WITH SUBSECTION (C) OF THIS**
 13 **SECTION.**

14 **[(b)] (C)** (1) Subject to paragraph (6) of this subsection, each county shall
 15 distribute the money provided under this subtitle on the basis of need to fire, rescue,
 16 and ambulance companies, departments, or stations in the county, including
 17 companies, departments, or stations:

18 (i) located in municipal corporations; or

19 (ii) located outside the State if the company, department, or
 20 station:

21 1. has been a member of the Maryland State Firemen's
 22 Association for at least the past 10 years; and

23 2. has a first due response area in the State.

24 (2) Each county shall determine need in accordance with procedures
 25 that the county uses to adopt its budget.

26 (3) In determining need under this subsection, the county shall
 27 consider:

28 (i) the failure to meet minimum standards established by the
 29 county or the Maryland State Firemen's Association;

30 (ii) the existence or potential existence of an emergency
 31 situation as described in § 8-203 of this title;

- 1 (iii) the age and condition of existing facilities and equipment;
- 2 (iv) the lack of availability of mutual aid;
- 3 (v) any service problems associated with demographic
4 conditions; and
- 5 (vi) any other relevant factors.

6 (4) In addition to consideration of the factors in paragraph (3) of this
7 subsection, for a volunteer company the county shall consider the company's inability
8 to raise money to pay for the item.

9 (5) Notwithstanding paragraphs (3) and (4) of this subsection, each
10 county shall give the highest funding priority to the failure to meet minimum
11 standards or the existence of an emergency situation as described in § 8–203 of this
12 title.

13 (6) Distribution of money to fire, rescue, and ambulance companies,
14 departments, or stations located in qualified municipal corporations in a county in the
15 aggregate may not be less than 50% of the proportion that the expenditures of the
16 qualified municipal corporation bear to total aggregate expenditures for fire protection
17 in that county.

18 (7) To receive money under this subsection, each county shall
19 participate in the Maryland Fire Incident Reporting System and Ambulance
20 Information System.

21 8–104.

22 (a) (1) (i) The money distributed under this subtitle shall be used by
23 each county for the purposes listed in § 8–102(f)(1) of this subtitle as an addition to
24 and may not be substituted for any money appropriated from sources other than the
25 Fund.

26 (ii) In each fiscal year, each county shall make expenditures for
27 fire protection from sources other than the Fund in an amount that is at least equal to
28 the average amount of the expenditures for fire protection during the 3 preceding
29 fiscal years.

30 (iii) Except as provided in paragraph (2) of this subsection, a
31 county that fails to satisfy the requirements of this subsection may not receive money
32 under this subtitle for that fiscal year.

33 (2) For each fiscal year, each county that fails to satisfy the
34 requirements of paragraph (1) of this subsection may receive money under this

1 subtitle subject to a penalty equal to the percentage by which the county fails to meet
2 the county's maintenance of effort for that fiscal year.

3 (b) (1) Each county shall make expenditures for fire protection from its
4 own sources that are at least equal to the amount of State money to be received.

5 (2) A county may receive less than the amount initially allocated.

6 (3) In determining the amount of expenditures for fire protection made
7 by a county, before certification, the Director shall review the financial information of
8 the county for the first completed fiscal year before the fiscal year for which State
9 money is appropriated.

10 (4) Money received from the Emergency Assistance Trust Fund under
11 § 8-203 of this title or other State money may not be used as the match required under
12 this subsection.

13 (c) (1) Money not distributed to a county because the requirements of
14 subsections (a) and (b) of this section are not satisfied shall be distributed to the
15 counties that meet the requirements of subsections (a) and (b) of this section in
16 accordance with this subsection.

17 (2) (i) Subject to subparagraph (ii) of this paragraph, each county
18 that meets the requirements of subsections (a) and (b) of this section shall receive an
19 allocation of the money distributed under paragraph (1) of this subsection based on a
20 percentage to be determined in accordance with § 8-103(a) of this subtitle.

21 (ii) For purposes of determining the percentage allocated to each
22 county under this subsection, the property tax accounts of each county that fails to
23 satisfy the requirements of subsection (a) or (b) of this section shall be excluded from
24 the statewide total.

25 (3) Each county shall distribute money provided under this subsection
26 in accordance with § [8-103(b)] **8-103(C)** of this subtitle.

27 (d) (1) The money distributed under this subtitle and allocated to a
28 county shall be accounted for and audited in accordance with the procedures for
29 accounting and auditing of other governmental revenues.

30 (2) Money not expended by the county by the end of a fiscal year shall
31 be placed in a special fund for expenditure in the next succeeding fiscal year.

32 (3) (i) Money distributed under this subtitle that remains
33 unencumbered or unexpended by the county after the second fiscal year shall be
34 repaid to the Director for deposit in the General Fund.

1 (ii) The Comptroller may set off any shared revenues due to a
2 county instead of repayment under this subsection.

3 (4) (i) Money distributed under this subtitle to be expended by a
4 volunteer or municipal fire, rescue, or ambulance company shall be maintained in a
5 separate account and shall be audited in the same manner as other money of the
6 volunteer or municipal company is audited.

7 (ii) Copies of the audit of the separate account shall be
8 submitted to the respective county government and to the Maryland Emergency
9 Management Agency.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 July 1, 2012.